

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Norfolk Division

In re:
SALIM M. ABRAHIM,

Case No. 10-73290-SCS
Chapter 13

Debtor.

**MOTION TO DISMISS DUE TO INSUFFICIENT FUNDING
AND NOTICE OF HEARING**

COMES NOW R. Clinton Stackhouse, Jr., Chapter 13 Trustee (the "Trustee"), and moves the Court to dismiss this case. In support of this motion, the Trustee states as follows:

1. Salim M. Abraham (the "Debtor"), filed a voluntary petition for bankruptcy under Chapter 13 of Title 11 of the United States Code in this Court on July 14, 2010. Relief was ordered.

2. On July 15, 2010, the Trustee was appointed in this case and continues to serve in that capacity.

3. On July 28, 2010, the Debtor filed his original plan (the "Plan"), which was confirmed by the Court on March 17, 2011.

4. The amount and number of allowed unsecured claims were determined by Order of this Court in its Order Approving Claims entered heretofore.

5. This case was recently audited by the Trustee to evaluate whether the Plan as confirmed, would pay sufficient funds to the holders of the allowed secured and unsecured claims.

R. Clinton Stackhouse, Jr. VSB No. 19358
Chapter 13 Trustee
870 Greenbrier Circle, Suite 200
Chesapeake, VA 23320
(757) 333-4000

6. The results of the audit reflected that the Plan provides insufficient funding to provide full payment to priority, secured and a reasonable good faith distribution on account of allowed unsecured claims.

7. In order to fully pay priority and secured claims and pay the requisite amount to holders of allowed unsecured claims, Plan funding must be increased by at least \$68,396.00, resulting in total funding of \$157,496.00.

8. Due to the amount of the necessary increase and the facts that the Debtor has presumably devoted all disposable income to the Plan and that the Plan term is at the maximum sixty (60) months, it appears that the Debtor is unable to supplement his Plan payments in a manner which cures the funding deficiency.

Wherefore, the Trustee prays that the case be dismissed unless the Debtor can adequately supplement Plan funding.

NOTICE OF HEARING ON MOTION TO DISMISS

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (if you do not have an attorney, you may wish to consult one.)

If you do not want the Court to dismiss your case or if you want the Court to consider your views on the Motion, then you and your attorney must:

ATTEND THE HEARING SCHEDULED TO BE HELD:

at United States Bankruptcy Court on May 26, 2011 at 10:00 a.m.
Walter E. Hoffman United States
Court House - Courtroom One
600 Granby Street
Norfolk, Virginia

to consider and act upon the Motion to Dismiss filed by the Chapter 13 Trustee.

If you or your attorney do not take these steps, the Court may decide that you do not

oppose the relief sought in the Motion and may enter an order granting relief.

R. Clinton Stackhouse, Jr.
Chapter 13 Trustee

/s/ R. Clinton Stackhouse, Jr.

R. Clinton Stackhouse, Jr. VSB No. 19358
Chapter 13 Trustee
870 Greenbrier Circle, Suite 200
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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April 2011, I will electronically file the foregoing Motion with the Clerk using the CM/ECF system, which will then send electronic notification of such filing to John G. Merna, Esq., counsel for the Debtor at 3419 Virginia Beach Boulevard, Suite 236, Virginia Beach, VA 23452 and that a true copy was mailed, first class, postage prepaid to the Debtor, Salim M. Abraham at 2723 Burning Tree Lane, Suffolk, VA 23435.

/s/ R. Clinton Stackhouse, Jr.

10-73290-INSUFFICIENT FUNDING

Salim M. Abraham
2723 Burning Tree Lane
Suffolk, VA 23435